

1 E. MARTIN ESTRADA
2 United States Attorney
3 ANNAMARTINE SALICK
4 Assistant United States Attorney
Chief, National Security Division
SOLOMON KIM (Cal. Bar No. 311466)
5 MARIA JHAI (Cal. Bar No. 283059)
Assistant United States Attorneys
Terrorism and Export Crimes Section
1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-2450
Facsimile: (213) 894-0141
E-mail: solomon.kim@usdoj.gov
maria.jhai@usdoj.gov

9
10 Attorneys for Plaintiff
UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

No. CR 18-759-CJC

14 Plaintiff,

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

15 v.

16 ROBERT RUNDO, et al.,

17 Defendants.

CURRENT TRIAL DATE:

March 28, 2023

18
19 **PROPOSED TRIAL DATE:**

December 12, 2023

20
21 Plaintiff United States of America, by and through its counsel
22 of record, the United States Attorney for the Central District of
23 California and Assistant United States Attorneys Solomon Kim and
24 Maria Jhai, and defendant TYLER LAUBE ("LAUBE"), both individually
25 and by and through his counsel of record, Jerome Haig, hereby
26 stipulate as follows:

27 1. The Indictment in this case was filed on November 1, 2018.

28 Defendant Robert Rundo first appeared before a judicial officer of

1 the court in which the charges in this case were pending on October
2 22, 2018. Defendant Boman first appeared before a judicial officer
3 of the court in which the charges in this case were pending on
4 October 24, 2018. Defendant LAUBE first appeared before a judicial
5 officer of the court in which the charges in this case were pending
6 on October 24, 2018. Defendant Aaron Eason first appeared before a
7 judicial officer of the court in which the charges in this case were
8 pending on October 29, 2018.

9 2. In April 2019, defendants Rundo, Boman and Eason moved to
10 dismiss the Indictment. In June 2019, defendant LAUBE likewise moved
11 to dismiss the Indictment. The Court subsequently granted both
12 motions and dismissed the Indictment.

13 3. The government timely appealed the Court's dismissal order,
14 and, on March 4, 2021, the Ninth Circuit reversed the Court's order
15 and remanded for further proceedings. The mandate issued on February
16 8, 2022. The Court held a status conference on March 3, 2022, where
17 it ordered the parties to file a stipulation to continue the trial
18 and a proposed case management order. Following remand from the
19 Ninth Circuit, the Speedy Trial Act, 18 U.S.C. § 3161, required that
20 the trial commence on or before April 19, 2023. See 18 U.S.C. §
21 3161(e); United States v. Lloyd, 125 F.3d 1263, 1265 (9th Cir. 1997).

22 4. On March 29, 2022, the Court set a trial date of April 11,
23 2023, and a pretrial conference date of April 3, 2023. On December
24 8, 2022, the Court advanced the trial date and pretrial conference
25 date to March 28, 2023, and March 20, 2023, respectively.

26 5. Defendant Boman is detained pending trial. Defendant LAUBE
27 is released on bond pending trial. Since the Ninth Circuit's
28 reversal, defense counsel for defendant Rundo is not in communication

1 with her client. On January 30, 2023, this Court granted the
2 government's motion to dismiss the case as to defendant Aaron Eason
3 only, due to his death.

4 6. The parties estimate that the trial in this matter will
5 last approximately two weeks. All defendants are joined for trial
6 and a severance has not been granted.

7 7. By this stipulation, defendant LAUBE moves to continue the
8 trial date to December 12, 2023 and the pretrial conference to
9 December 4, 2023, and to set a motion schedule as follows: motions to
10 be filed by October 5, 2023; oppositions to be filed by October 26,
11 2023; replies to be filed by November 2, 2023; and any motions
12 hearing on November 16, 2023. This is the second request for a
13 continuance since the Ninth Circuit's mandate.

14 8. Defendant requests the continuance based upon the following
15 facts, which the parties believe demonstrate good cause to support
16 the appropriate findings under the Speedy Trial Act:

17 a. The defendants in this case are charged with
18 violations of 18 U.S.C. §§ 371 (Conspiracy) and/or 2101 (Riots). The
19 government has made available to the defense approximately 44,000
20 pages of discovery.

21 b. Defense counsel for defendant LAUBE is presently
22 scheduled to be in the following trials or other matters: (1) People
23 v. Ezequiel Romo, LASC Case No. BA475969-01, a murder and gang
24 conspiracy case set for trial February 6, 2023, and expected to last
25 two months; (2) United States v. James Vlha, 9th Cir. COA No. 22-
26 50281, opening brief due February 23, 2023; (3) People v. Gilbert
27 Acuna, LASC Case No. LA090577, a murder trial set for trial April 10,
28 2023, and expected to last two weeks; (4) United States v. Denny

1 Vuong, CR 19-275-ODW, a trial set for April 18, 2023, expected to
2 last two weeks; (5) United States v. Donna Givens, CR 20-75-JAK, a
3 bank-, wire-fraud and identity-theft trial set to begin May 2, 2023,
4 and expected to last two weeks; (6) United States v. Justin Arteaga,
5 CR 21-33(A)-AB, a VICAR murder trial set for trial May 16, 2023, and
6 expected to last three weeks; and (7) United States v. Akmal Ilyas,
7 CR 21-460-GW, a trial set for July 11, 2013, expected to last two
8 weeks.

9 c. Accordingly, counsel for defendant LAUBE represents
10 that he will not have the time that he believes is necessary to
11 prepare to try this case on or before March 28, 2023.

12 d. On February 6, 2023, the government filed a plea
13 agreement signed by defendant BOMAN. A change-of-plea hearing is
14 scheduled for February 21, 2023.

15 e. In light of the foregoing, counsel for defendant LAUBE
16 also represents that additional time is necessary to confer with
17 defendant, conduct and complete an independent investigation of the
18 case, conduct and complete additional legal research including for
19 potential pre-trial motions, review the discovery and potential
20 evidence in the case, and prepare for trial in the event that a
21 pretrial resolution does not occur. Defense counsel represents that
22 failure to grant the continuance would deny him reasonable time
23 necessary for effective preparation, taking into account the exercise
24 of due diligence.

25 f. Defendant LAUBE believes that failure to grant the
26 continuance will deny him continuity of counsel and adequate
27 representation.

28 g. The government does not object to the continuance.

1 h. The requested continuance is not based on congestion
2 of the Court's calendar, lack of diligent preparation on the part of
3 the attorney for the government or the defense, or failure on the
4 part of the attorney for the Government to obtain available
5 witnesses.

6 9. For purposes of computing the date under the Speedy Trial
7 Act by which defendant's trial must commence, the parties agree that
8 the time period March 28, 2023 to December 12, 2023, inclusive,
9 should be excluded pursuant to 18 U.S.C. §§ 3161(h) (7) (A),
10 (h) (7) (B) (i), and (h) (7) (B) (iv) because the delay results from a
11 continuance granted by the Court at defendant's request, without
12 government objection, on the basis of the Court's finding that: (i)
13 the ends of justice served by the continuance outweigh the best
14 interest of the public and defendant in a speedy trial; (ii) failure
15 to grant the continuance would be likely to make a continuation of
16 the proceeding impossible, or result in a miscarriage of justice; and
17 (iii) failure to grant the continuance would unreasonably deny
18 defendant continuity of counsel and would deny defense counsel the
19 reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence.

21 10. The government represents that on January 19, 2023, counsel
22 for defendant Rundo, Julia Deixler, informed the government by
23 telephone that she is not in contact with her client and that she
24 takes no position on this stipulation. Defendant Boman has signed a
25 plea agreement and his change of plea is scheduled for February 21,
26 2023. Defendant Boman objects to continuing the trial in this
27 matter. The stipulating parties agree that, pursuant to 18 U.S.C.
28 § 3161(h) (6), the time period March 28, 2023, to December 12, 2023

constitutes a reasonable period of delay for defendants Rundo and Boman, who are joined for trial with codefendant LAUBE as to whom the time for trial has not run and no motion for severance has been granted.

5 11. Nothing in this stipulation shall preclude a finding that
6 other provisions of the Speedy Trial Act dictate that additional time
7 periods be excluded from the period within which trial must commence.
8 Moreover, the same provisions and/or other provisions of the Speedy
9 Trial Act may in the future authorize the exclusion of additional
10 time periods from the period within which trial must commence.

IT IS SO STIPULATED.

12 Dated: February 9, 2023 Respectfully submitted,

13 E. MARTIN ESTRADA
United States Attorney

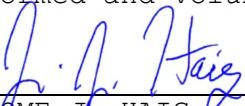
15 ANNAMARTINE SALICK
Assistant United States Attorney
Chief, Criminal Division

SOLOMON KIM
MARIA JHAI
Assistant United States Attorneys

Attorneys for Plaintiff
UNITED STATES OF AMERICA

22	//
23	//
24	//

1
2 I am TYLER LAUBE's attorney. I have carefully discussed every
3 part of this stipulation and the continuance of the trial date with
4 my client. I have fully informed my client of his Speedy Trial
5 rights. To my knowledge, my client understands those rights and
6 agrees to waive them. I believe that my client's decision to give up
7 the right to be brought to trial earlier than December 12, 2023 is an
8 informed and voluntary one.



February 9, 2023

9 _____
10 JEROME J. HAIG _____ Date
11 Attorney for Defendant
TYLER LAUBE

12
13 I have read this stipulation and have carefully discussed it
14 with my attorney. I understand my Speedy Trial rights. I
15 voluntarily agree to the continuance of the trial date, and give up
16 my right to be brought to trial earlier than December 12, 2023.



Feb 9, 2023

17 _____
18 Tyler Laube (Feb 9, 2023 14:31 PST) _____ Date
19 Defendant
20
21
22
23
24
25
26
27
28